


Council Report

Meeting Date:	November 4, 2013
Agenda Item:	Second reading, Amendment to Title 18,
Prepared By:	Greg Barnier, City Attorney

Background Information:	<p>The changes proposed in this revision to Title 18 are primarily focused on using the map of Zoning Districts as the primary means of identifying various zones.</p> <ul style="list-style-type: none"> * In the Definition section, there are minor text changes in some of the individual definitions of terms. * The changed text in pages 26 through 47 eliminates a number of pages of text used to describe zones by a listing of various lots, blocks and subdivisions, and replaces that text with a simple reference to the Zoning Map on file in the City Finance Office. The change in that text does not change any of the Zoning District boundaries in this very long ordinance. * The proposed text change on page 48 inserts the finance Office for the non-existent Engineering and Inspection Department. * The proposed change on page 107 inserts a new summary of the process for giving notice to affected property owners for Conditional Uses, Uses on Review and Variances. * The proposed change found at page 112 also eliminates a series of lot and block text descriptions and refers instead to the Zoning Map on file at the Finance Office. * The proposed change shown for pages 121 through 126 is to eliminate several pages of "strikethrough" text. Instead the new language refers the reader to the Sign and Billboard regulations enacted since Title 18 was passed that are now found at Title 30 of the Sturgis City Ordinances. * The proposed changes for pages 147 and 148 are to make clear that the process described there is the one which applies when an individual property owner seeks to obtain a change in the language of a particular Zoning District. It would not apply to an amendment by the City Council through the normal ordinance passage process.
Summary of Opposing	Some might urge the Council to keep the current language without change because most of the proposals, except the one proposed at page 107, do not

Viewpoints	reflect any change in the process. It might also be argued that the property owner, rather than City employees, should have the complete responsibility to notify adjoining property owners when a Variance or Conditional Use is requested.
In support of the recommendation	One of the primary purposes of these revisions to Title 18 is to continue to make it more understandable and to put in place procedures that are clear and transparent. Another purpose is to strengthen the notification process so that it is uniform and consistent each that it is used to notify property owners about changes that could affect the value and use of their property.
Analysis of opposing viewpoint	First, to leave the Ordinance unchanged leaves the City relying upon the text of an ordinance that is more cumbersome and harder to understand than necessary. In addition, for many people the real property they own is the single most valuable asset that they have. To not improve the notification process to make it more impartial could put the value of that property ownership at an unnecessary risk.
Budget Impact	Only a very minor budget is expected if the ordinance is approved by the City Council after both public readings.

Recommendation	The Ordinance Committee recommends that the second reading of these amendments to Title 18 be approved by the Council at the meeting on November 4, 2013.
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Approved:	 Daniel Ainslie, City Manager
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ORDINANCE 2013-20

AN ORDINANCE AMENDING TITLE 18– ZONING

BE IT ORDAINED by the Common Council of the City of Sturgis, Meade County, South Dakota that Title 18–Zoning – Article II – Definitions; Article III – Zoning District and Map- Section 1 and 2; Article V – Supplementary Regulations applying to a Specific, to several or to all Districts- Section 4- Single Family Residential Low Density District- Section 5 – Minimum off Street Parking Requirements -Section 8 – Signs, Billboards; Article VII – Section 2 – Process for Uses on Review, Conditional Uses and Variances, Section 3 – Variances- Section 6 – Amendment Upon Applications by Property Owner is amended to read as follows:

TITLE 18

CITY OF STURGIS ZONING ORDINANCE

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Mobile Home 2 (MH-2)	
General Commercial (GC-1)	
Retail Commercial (GC-2)	
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18.05.05	R-2 One & Two Family Dwellings Moderate Density District

18.05.06	R-3 Multi-Family Dwellings, High Density District
18.05.07	MH-1 Manufactured Single Family-Homes, Moderate Density
18.05.08	MH-2 Manufactured Single Family-Homes, High Density
18.05.09	GC-1 General Commercial District
18.05.10	GC-2 Retail Commercial District
18.05.11	GC-3 Single Family Residential/Office Commercial District
18.05.12	HS-1 Highway Service
18.05.13	GI-1 General Industrial
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18.05.15	NU Transitional District
18.05.16	FAIR-Fairgrounds District
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Variance: A relaxation of a restriction of the code, granted by the Board of Adjustment, where by reason of exceptional narrowness, shallowness, shape, topography, or other extraordinary or exceptional situation, condition or circumstance of a particular property, the literal enforcement of the code restriction, would result in unnecessary hardship, *or when the relaxation of a restriction of the code , granted by the Board of Adjustment shall provide a quantifiable benefit to the City and the surrounding neighborhood of the parcel.*

Zoning Map: The Zoning Map for the City of Sturgis, Meade County, South Dakota *as on file at the City Finance Office, initially* dated January, 2001 *including sections or portions thereof, adopted as part of this ordinance, together with all amendments, modifications and changes thereto subsequently adopted.*

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ARTICLE III ZONING DISTRICTS AND MAP

SECTION 1 - ESTABLISHMENT OF ZONING DISTRICTS

For the purpose of promoting the public health, safety, morals, convenience and the general welfare of the community, the City of Sturgis is hereby divided into districts of sixteen (16) different types, each being of such number, shape kind and area and common unity of purpose and adaptability of use that are deemed most suitable to carry out the purpose of this ordinance.

The area ~~Legal descriptions of property lying within each district, is shown on the Official Zoning map on file in the City Finance Office.~~ *lots, blocks and areas comprising each of foregoing sixteen (16) districts are as follows:*

1. Agricultural Zoning District (AG)
2. Park Land
3. Public Land
4. General Residential (GR-1)
5. General Residential 2 (R-2)
6. Multi-Family Residential (R-3)
7. Mobile Home 1 (MH-1)
8. Mobile Home 2 (MH-2)
9. General Commercial (GC-1)
10. Retail Commercial (GC-2)
11. Single Family Residential/Office Commercial
12. Highway Service (HS)
13. General Industrial (GI)
14. Open Space (OS)
15. Transitional Zoning District (NU)

AGRICULTURAL ZONING DISTRICT (AG):

~~The Southwest ¼ Northwest ¼ Section 5, Township 5 North, Range 5 East.~~

~~That portion of the Northeast ¼ Southwest ¼ Section 5, Township 5 North, Range 5 East, which lies within the City of Sturgis.~~

~~That portion of the Northwest ¼ Southeast ¼ Section 5, Township 5 North, Range 5 East, which lies within the City of Sturgis.~~

~~Lot F, less the South 125', all of Lot 4 both lying within the Southeast ¼ Southeast ¼ & the Southwest ¼ Southeast ¼ Section 4, Township 5 North, Range 5 East.~~

~~Lots 11-16, Block 2, Southeast ¼ Southeast ¼, Section 4, Township 5 North, Range 5 East.~~

~~Lot H, Southwest ¼ Northwest ¼, Section 10, Township 5 North, Range 5 East.~~

~~Tract A, less all previously platted portions and the remaining unplatted portion of the West Half of the Northeast Quarter, Section 15, Township 5 North, Range 5 East of the Black Hills Meridian, City of Sturgis, Meade County, South Dakota.~~

~~(Item added effective August 1, 2003, Ordinance 2003-05)~~

PARK LAND

~~Tract E & JD6, Rodebanks 2nd Addition.~~

~~Lot 6 & 10, Fairgrounds Addition.~~

~~Lots 6A & 6B SESW Section 9.~~

~~Lot 1, Meade Subdivision #1.~~

~~Lot 10, Block 1, Pine Acres Subdivision.~~

~~Park area abutting Blocks 4 & 5, Hillview Subdivision.~~

~~Area abutting the east lot lines of Lots 8-11, Block 1, Hillview Subdivision.~~

~~Vacated portions of Ruby Street in Block A of Weber Addition.~~

~~Lot 1, Block A, Weber Addition.~~

~~Lots 1 & 2, Block 45, McMillians Eastern Addition.~~

~~Tract Z in NWNE Section 10-5-5. (Aka Lions Club Park)~~

~~Lot 9, NENW Section 10-5-5.~~

~~Lot T, SWSE of SESW Section 3-5-5.~~

~~Lot U-1, U-2 & U-3, SESW Section 3-5-5.~~

~~Lot V, Tract 777, W, A 2D, J 2, J-1, K, L, O, A 1, C 1, X X, N 2, N T A, A A 1, & A3, Sly Hill Addition.~~

~~Lot 4B, SESE Section 4-5-5.~~

~~Lot C SWSE Section 4-5-5.~~

~~Lots E2, E 2 B & E 1 A SWSE Section 4-5-5.~~

~~Lots 14-24, Block 25, Ashes Extension.~~

~~Lots 14-24, Block 26, Ashes Extension.~~

~~Lots 1-12, Blocks 1, 2 & 3, Commstock Addition.~~

~~Lot A & Lot 30, NWSW Section 4-5-5.~~

~~Portions of Lots 1, 2, 3 & 5A lying South of Bear Butte Creek in the NWSW of Section 4-5-5.~~

PUBLIC LAND

~~School Lot, Fairgrounds Addition.~~

~~Block 10, Potters Second Addition.~~

~~Blocks 13 & 16, McMillians Addition and all of Bear Butte Cemetery.~~

~~Block 13, Potters 1st Addition.~~

~~Blocks 5, 12 & 13, Bosworth.~~

~~Block 10 Original Town.~~

~~Lots 1-12 & 4A, Block 4, Original Town.~~

~~Lots 1-6, Block 1, Rodebanks Addition.~~

~~Lots 2, 3 & 7-12, Block 13, Original Town.~~

~~Lots 17 & 18, Block 3, Fort Meade Addition.~~

~~Lots 26-32, Block 6, Fort Meade Addition.~~

~~Lots 30-32, Block 6, Fort Meade Addition~~

~~(Amended effective Sept. 20, 2002, Ordinance 2002-08)~~

~~Lots C & 4Z SESE Section 4-5-5.~~

~~Lot SPO & Tract D SWSE Section 4-5-5.~~

GENERAL RESIDENTIAL (GR-1):

~~Lots 1, RM-1 and the remainder of Lot 4 all located in the Northeast $\frac{1}{4}$ Southwest $\frac{1}{4}$ Section 4, Township 5 North, Range 5 East.~~

~~Lots 1 through 20 of Block 1; Lots 1 through 26 of Block 2; Lot 1 Block 4; the east 54 feet of Tract L; the unplatted portion of Lot 12 lying within the City of Sturgis; Lot L, Tract A and Lots 1 through 11 lying South of Blocks 1 and 2; all in McKee's Subdivision of the City of Sturgis and located in the~~

~~Northeast $\frac{1}{4}$ Southwest $\frac{1}{4}$ and partially in the Southeast $\frac{1}{4}$ Northwest $\frac{1}{4}$, Section 4, Township 5 North, Range 5 East.~~

~~Lots 6A through 6K Located in the Northwest $\frac{1}{4}$ Southeast $\frac{1}{4}$ of Section 4, Township 5 North, Range 5 East.~~

~~Lots 1 through 16, Lots A through H, and Lots B-1, B-2 A, B-2 B, B-3, B-4 A, B-4 B, B-4 C, B-5, B-6, B-7 and B-8 all located in the Southwest $\frac{1}{4}$ Southeast $\frac{1}{4}$, Section 4, Township 5 North, Range 5 East.~~

~~The North 130 Feet of the East 349 feet of Lot E-I located in the Southwest $\frac{1}{4}$ Southeast $\frac{1}{4}$ Section 4, Township 5 North, Range 5 East.~~

~~Lots 2, A & B of the Southwest $\frac{1}{4}$ Southeast $\frac{1}{4}$, Section 4, Township 5 North, Range 5 East.~~

~~Lot 9, Southwest $\frac{1}{4}$ Southeast $\frac{1}{4}$, Section 4, Range 5 North, Range 5 East.~~

~~Lots 13 through 24 of Block 1 and Lots 19-24 Block 2 including the vacated 11th Street lying between Lot 24 Block 2 and Lot 13 Block 1, All of Blocks 7 & 8; Lots 1 through 12 Block 9, all in Commstock Addition.~~

~~Lots 1-9, Block 9; Lots 1-10, Block 10; Lots 1-12, Block 11; Lots 1-12, Block 13/14; Lots 17-23, Block 15; Lots 13-24, Block 16; Lots 13-24, Block 17; Lots 13-24, Block 18; Lots 8-11, Block 19, all of Blocks 20-23; Lot 1A and Lots 1 through 11 of Block 25; Lots 1-12 and 12A, Block 26; Lots 1 through 7, the South 125 feet Lots 8-12 and lots 18-24 lying South of Bear Butte Creek and the Vacated alley~~

~~South of Lots 18 through 24 Block 27; the North 75 feet of Lots 15-17, Block 28; Lots 1 & 2 less the west 50 feet and lots 3A, 3B and 4 through 12, Block 29, Lots 7-13 and the East ½ of Lots 14 in Block 30, all in Ash's Extension to the City of Sturgis.~~

~~Lots Y, Y 1, Y 2, E, E 1 A, E 1 B and F, Southwest ¼ Southwest ¼, Section 3, Township 5 North, Range 5 East.~~

~~All of Lots G, H, A 2A, A 2C, A 2B, J 2B, J 2 C, Z, X X X, A A 2 and D, Lot W Less the South 325', Lot M less the North 40' of the East 120'; the South 125' of Lots O, A 1, X X, P, Q A, 1 W through 8W, R, S and B; the South 25' of Lot A A 1, all in the Southwest ¼ Southeast ¼, Section 3, Township 5 North, Range 5 East.~~

~~Lot X lying North of the old Hwy 79 R.O.W. located partially in each of the Southwest ¼ Southwest ¼ and the Southeast ¼ Southwest ¼, Section 3, Township 5 North, Range 5 East.~~

~~Government Lot 7 lying North of old Hwy 79 and located in the Southwest ¼ Southeast ¼, Section 3, Township 5 North, Range 5 East.~~

~~Lots 32 through 43 of Block 7, McMillians Eastern Addition.~~

~~Lots 1 through 26 Block 8, Lots 1 through 12 Block 9, all of blocks 10-12, 17-35 and Lot 45, McMillians Eastern Addition.~~

~~Lot 10-AA of the Southeast ¼ Northwest ¼, Section 10, Township 5 North, Range 5 East.~~

~~All of Paisley Heights Addition.~~

~~All of Weber Addition including vacated Ruby Street lying South of Lot 1, Block A and vacated Meade Avenue lying North of Lot 1, Block A.~~

~~All of Block 1; Lots 1-22 Block 2; Lots 35-50 Block 3; Lots 1-13 and Lots 27-52 Block 4; Lots 33-52 Block 5; Lots 1-14 Block 7; and Lots 1-4 and Lot 7-26 Block 8, Fort Meade Addition.~~

~~All of Blocks 1, 2, 5, 6, 7, 8, 11 & 12; Lots 13-24 Blocks 3, 4 & 9; Lots 8/14 Block 10, Dudley Caldwell Addition.~~

~~Lots 1-12 Block 16 lying North of Comanche Addition and located in the Southwest ¼ Northwest ¼, Section 10, Township 5 North, Range 5 East.~~

~~All of Comanche Addition.~~

~~Lots 8-12 Block 13; Lots 13-24 Block 12; Lots 1-6 & 19-24 Block 5; Lots 14-26 Block, All of Blocks 1-3, 6-11 & 14-16, Potters Second Addition.~~

~~Lots 1-17 Block 12; Lots 1-6 & 20-24 Block 5; All of Blocks 1, 2 & 6-11, McMillians Southern Addition.~~

~~All of Heibult - Lindsey Addition.~~

~~All of Hoels Addition.~~

~~All of Blocks A, B, D, G, H, L, M, Q, U, W, BB, CC, DD, FF, GG, Lots 1-3 Block C, Lots 1-5 Block E, Glovers 1st Addition.~~

~~Lot B of the Northwest ¼ Southeast ¼, Section 15, Township 5 North, Range 5 East. Lot G Southwest ¼ Southwest ¼, Section 15, Township 5 North, Range 5 East.~~

~~Lots A-D Southeast ¼ Southeast ¼, Section 16, Township 5 North, Range 5 East.~~

~~Lots 1-9, Northeast ¼ Southeast ¼, Section 16, Township 5 North, Range 5 East. Block 5, Pine Acres Subdivision~~

~~Blocks 1-8, Deadman Addition.~~

~~All of Watson Subdivision~~

~~All of Hurley 1st Addition.~~

~~Lots C1-C3, Symonds Addition~~

~~Lot B, Southeast ¼ Southwest ¼, Section 9, Township 5 North, Range 5 East.~~

~~All of Cruickshank Addition.~~

~~Lots 1 & 2, Middle Brook Addition.~~
~~Blocks 1-3, Interstate Acres.~~
~~Blocks 1-7 & 7 A, Hillview Subdivision.~~
~~All of Ext. 2 of Hillview Subdivision.~~
~~Cambell Subdivision.~~
~~Lots 2-5, C & 13-21, Block 8, McMillians Southwestern Addition.~~
~~All of Blocks 1, 9 & 10, McMillians Southwestern Addition.~~
~~Lots 13-24, Block 1, Potters 1st Addition.~~
~~Lots 6-19, Blocks 8 & 9, Potters 1st Addition.~~
~~Lots 6-10, Block 16, Potters 1st Addition.~~
~~All of Blocks 2, 3, 5, 6, 7, 10, 11, 12, 14 & 15, Potters 1st Addition.~~
~~Lots 13-24 Blocks 1, 8 & 9, Bosworth Addition.~~
~~Lots 8-14, Block 16, Bosworth Addition.~~
~~All of Blocks 2, 3, 4, 6, 7, 10, 11, 14 & 15, Bosworth Addition.~~
~~Lots 7-12, Block 1, Rodebanks Addition.~~
~~All of Blocks 2-8, Rodebanks Addition.~~
~~Lots 7-10, Allens Extension.~~
~~All of Rodebanks 2nd Addition less Tract E.~~
~~Lots A, I-X-X, 0-X, 2 & 2-14, Southeast ¼ Northwest ¼, Section 9, Township 5 North, Range 5 East.~~
~~All of Blocks 1-9, Original Town Subdivision.~~
~~The South ½ of Lots 1-5, all of Lots 6-12, Block 11, Original Town Subdivision.~~
~~Lots 4-12, Block 19, Original Town Subdivision.~~
~~(Line item removed effective Sept. 20, 2002, Ordinance 2002-08)~~
~~Lots 1-12, Block 21, Original Town Subdivision.~~
~~Lots 1-5, Block 22, Original Town Subdivision.~~
~~Blocks 8 & 9, Ashes Extension.~~
~~Lots 1-10, Block 10; Lots 1-12 Block 11; Lots 1-12 Block 12; Lots 1-12, Block 13/14; Lots 17-23,~~
~~Block 15; Lots 13-24, Block 16; Lots 13-14, Block 17; Lots 13-24, Block 18; Lots 8-11, Block 19; Lots~~
~~1A & 1-11, Block 25; Lots 1-12 & 2A, Block 26, Ashes Extension.~~
~~All of Blocks 20-23, Ashes Extension.~~
~~All of the Ullurich Addition.~~
~~Lots 13-24, Block 1; Lots 19-24, Block 2; Lots 1-9, Block 9; all of Blocks 7 & 8, Commstock Addition.~~
~~Vernon Heights Estates II Subdivision, Lots 1 through 2 and Common Lot of Block 1; Lots 1 through 3~~
~~and Lots 7 through 9 of Block 2; Lots 5 through 7 of Block 3; Lots 8 through 10 of Block 4; Lots 1~~
~~through 17 of Block 6, City of Sturgis, Meade County, South Dakota.~~
~~(Item added effective August 1, 2003, Ordinance 2003-05)~~
~~Lots 3 through 17, Block 1 of Vernon Heights Estates II Subdivision, City of Sturgis, Meade County,~~
~~South Dakota.~~
~~(Item added effective May 7, 2004, Ordinance 2004-04)~~

GENERAL RESIDENTIAL 2 (R-2)

~~All of Hurley Subdivision.~~
~~Blocks A, B, C, D, E, F, G & H, Pine Acres Subdivision.~~
~~All of Bowman Addition.~~
~~All of Meade Subdivision # 1.~~
~~All of Murray Addition.~~
~~Vernon Heights Subdivision~~

MULTI-FAMILY RESIDENTIAL (R-3):

~~Traets CB, CA, CC & Lot 1, Block 4, Deadman Subdivision.~~
~~Lot 1, Block 5, Deadman Subdivision.~~
~~Lots 1, 2 & the remainder of Block 1, Block 1, Heritage Acres Subdivision.~~
~~Lot 1, Remainder of Lot 4 & HM 1, Kenneth Subdivision.~~
~~Lots 1, 2, 4 & 5, Block 1, Jenter Subdivision.~~

MOBILE HOME 1 (MH-1)

~~Blocks 3 & 5, McKee Addition.~~
~~All of R & R Subdivision.~~
~~Blocks A, B, C, E, F, G, 1, 2, 3, 4 & 5, Ashes Extension.~~
~~Lots 7-12, Block 8, Ashes Extension.~~
~~Lots 1-3, Block 7, Ashes Extension.~~
~~All of the vacated portions of 8th Street in Ashes Extension.~~
~~Los 1-21, Block 3, Pine Acres Subdivision.~~
~~Lots 1-20, Block 2, Pine Acres Subdivision.~~

MOBILE HOME 2 (MH-2)

~~Lot G4, Pine Acres.~~
~~Lots 13-18, Block 2, Commstock Addition.~~
~~Lots 13-24, Block 3, Commstock Addition.~~
~~Lots 1-6 & 5A, NWSW Section 4-5-5.~~
~~Lots 4 & 5 Jenter Wilburn Chaffee Addition.~~
~~Lot 1, SESW Section 5-5-5.~~
~~Lots A, B, C, D, Y & Y-A, SWSW Section 5-5-5~~
~~Lots FG-6, GH-1, HK-1 & A, SESE Section 6-5-5.~~
~~Lot FG-7, NENE Section 7-5-5.~~
~~Lots FG-8, GH-1 & Tract A, "NWNW Section 8-5-5.~~

GENERAL COMMERCIAL (GC-1)

~~The North one-half of Lots 1-5, and all of Lots 13-24, Block 11, Original Town Subdivision.~~
~~All of Block 12, Original Town Subdivision.~~
~~Lots 1, 4-6, 13-24, Block 13, Original Town Subdivision.~~
~~Block 14 Original Town Subdivision~~
~~Lots 1-12 of Blocks 15, 16, 17, 18, Original Town Subdivision.~~
~~Lots 1-12, Block 19 Original Town Subdivision.~~
~~(This line item amended effective Sept. 20, 2002, Ordinance 2002-08)~~
~~Block 1, Wileox Addition.~~
~~Block 1, Allens Extension.~~
~~Lots 1-16 & 19-34, Block 3, Fort Meade Addition.~~
~~Los 14-25, Block 4, Fort Meade Subdivision~~
~~Lots 1-24 & 32-50, Block 6, Fort Meade Subdivision.~~
~~Blocks H, J, K, M, O & P, R, S, T, U, X, Y, Z, EE, AA Glovers 2nd Addition~~
~~Lots 26, 27, 28, and 29, Block 6, Fort Meade Addition,~~
~~(Line item amended Sept. 20, 2002, Ordinance 2002-08)~~
~~Lots 23-25, Block 2, Ft. Meade Addition.~~
~~The North 91 feet of Lot 19, the North 91 feet and the West 3 of the South 65 feet of Lot 20, all of Lot 21 and the North 95.5 feet of Lot 22 in Block 2 of Fort Meade Addition to the City of Sturgis, Meade County, South Dakota~~

~~The South 60.5 feet of Lot 22 in Block 2 of Fort Meade Addition to the City of Sturgis, Meade County, South Dakota~~

~~(Three paragraphs added Sept. 20, 2008, Ordinance 2008-17)~~

RETAIL COMMERCIAL (GC-2)

~~Reserved for future use~~

SINGLE FAMILY RESIDENTIAL/OFFICE COMMERCIAL

~~All of Blocks 3 & 4 McMillians Southern Addition:~~

~~Lots 7-18, Block 5, McMillians Southern Addition:~~

~~Lots 18-34, Block 12, McMillians Southern Addition:~~

~~Lots 18-34, Block 12, McMillians Southern Addition:~~

~~Lots 1-10, Block 1, McMillians Southwestern Addition:~~

~~Lot 1, 6 & 7, Block 8, McMillians Southwestern Addition:~~

~~Lots 1-17, Block 9, McMillians Southwestern Addition:~~

~~Lots 1-13, Block 1, Potters 1st Addition:~~

~~Lots 1-5 & 20-24, Blocks 8 & 9, Potters 1st Addition:~~

~~Lots 1-5, Block 16, Potters 1st Addition:~~

~~Lots 1-12, Blocks 1, 8 & 9, Bosworth Addition:~~

~~Lots 1-7, Block 16, Bosworth Addition:~~

~~Lots 1-6, Block 2, Allens Extension:~~

~~Lots 23-25, Block 2, Ft. Meade Addition:~~

~~(This line moved to General Commercial Sept. 20, 2008, Ordinance 2008-17)~~

~~Lots 1-12, Blocks 3, 4 & 9, Dudley Caldwell Addition:~~

~~Lots 1-7, Block 10, Dudley Caldwell Addition:~~

~~Lots 1-5, Block 13, Potters 2nd Addition:~~

~~Lots 1-12, Block 12, Potters 2nd Addition:~~

~~Lots A, B & 7-12, Block 5, Potters 2nd Addition:~~

~~Lots 1-13, Block 4, Potters 2nd Addition:~~

~~The S□S□NE□SW□ of Section 9, Township 5 North, Range 5 East of the Black Hills Meridian, City of Sturgis, Meade County, South Dakota, lying East of Interstate 90 as it now exists, less Lot 7 and less Lots 1 and 2 of Cruickshank Addition as shown by the plat filed in Plat Book 19 on Page 78, and less Lot 3 of Cruickshank Addition as shown by the plat filed in Plat Book 21 on Page 94.~~

~~(This paragraph added effective 4/29/06, Ordinance 2006-05)~~

~~The North 91 feet of Lot 19, the North 91 feet and the West 3 of the South 65 feet of Lot 20, all of Lot 21 and the North 95.5 feet of Lot 22 in Block 2 of Fort Meade Addition to the City of Sturgis, Meade County, South Dakota:~~

~~The South 60.5 feet of Lot 22 in Block 2 of Fort Meade Addition to the City of Sturgis, Meade County, South Dakota:~~

~~(These 2 paragraphs added effective 7/21/07, Ordinance 2007-13)~~

~~(These 2 paragraphs moved to General Commercial Sept. 20, 2008, Ordinance 2008-17)~~

HIGHWAY SERVICE (HS)

~~All of Werdel & Hudson Subdivision:~~

~~All of Denker Subdivision:~~

~~Lot A & B NWSW Section 15-5-5:~~

~~The East 300 feet of Lot G SWSW Section 15-5-5:~~

~~Block 10 Deadman Subdivision.~~

~~A 200' X 450' Strip in the NE corner of Lot G4 in the NESE Section 16-5-5.~~

~~Lot G2 & Lot B of SENE Section 16.~~

~~Lot 1, E1, E2, E3, E4, H3 of NENE Section 16-5-5.~~

~~All of Blocks F, Lots 6-10, Block E Glovers Second Addition.~~

~~All of Block BC & AB Glovers 2nd Addition.~~

~~Lots 4-5, Block C, Glovers 2nd Addition.~~

~~Lot F Glovers 1st Addition.~~

~~Los 1, D-1, A, B, D & F, NENE Section 16-5-5.~~

~~Lot A-2, Tract A lying in the NENE Section 15-5-5.~~

~~Traacts B, C, D, E lying in the SWNW Section 15-5-5.~~

~~Lots 1-B, I-A, Lot 3 & vacated portion of Harmon Street Block 7, McMillians Southwestern Addition.~~

~~Lots 13-24, Block 9, McMillians Eastern Addition.~~

~~Lots 1-24, Block 6, McMillians Eastern Addition.~~

~~Lots Lot 27, Lots 31-55, Block 8, McMillians Eastern Addition.~~

~~All of Beckmans Addition.~~

~~Lots 20-31, 17A, 17B, 18A, 18B, Block 7, McMillians Eastern Addition.~~

~~Los 27-52, Block 8, Fort Meade Addition.~~

~~Lots 1-26, Block 5, Fort Meade Addition.~~

~~Lots 16-50, Block 7, Fort Meade Addition.~~

~~Block 1, Connors Extension.~~

~~Tract K-1R, C, 4Z of the SESE Section 4-5-5.~~

~~Lots 13-24, Block 15, 16, 17, 18 Original Town Subdivision~~

~~All of Block 26, 27, 28 & 29, Original Town Subdivision.~~

~~Lot SPO, Tract 1 of the SWSE Section 4-5-5.~~

~~Lots 13-24, Blocks 19-21, Original Town Subdivision.~~

~~Lots 30-34, Block 22, Original Town Subdivision.~~

~~Lots 1-12, Block 24, Original Town Subdivision.~~

~~Lots 1-5, Block 23, Original Town Subdivision.~~

~~All of Blocks 6 & 7 Ashes Extension.~~

~~Lots 11-19, Block 10, Ashes Extension.~~

~~Lots 1-7, Block 19, Ashes Extension.~~

~~Lots 13-24, blocks 10, 11, 12 & 13/14, Ashes Extension.~~

~~Lots 1-12, Blocks 16, 17, & 18, Ashes Extension.~~

~~Lots 1-5, Block 15, Ashes Extension.~~

~~Lots 10-24, Block 9, Commstock Addition.~~

~~All of Vacated portions of 11th & 12th Streets.~~

~~Block 10 Commstock Addition.~~

~~Lots 6-24, Block 6, Commstock Addition.~~

~~Blocks 15 & 16, Commstock Addition.~~

~~Blocks H, I & K, Commstock Addition.~~

~~Blocks 11, 12, 13 & 14 Commstock Addition.~~

~~All of Block 4 & Vacated portions of 13th Street in Commstock Addition.~~

~~Lots 1A-2B, 1A-2A & Tract A all in the SESE Section 5-5-5.~~

~~Lots 1, 2 & 3, Jenter-Wilburn-Chaffee Addition.~~

~~All of the Eickhoff Tract.~~

~~An unplated portion of NWSE Section 5-5-5 which lies north of the service road and south of Bear Butte Creek and east of the Eickhoff Plat and west of the Jenter-Wilburn-Chaffee Plat.~~

~~All of the Baker Subdivision.~~

~~All of the Schnell's Addition.~~

~~Lot A & Tract A of the SWSE Section 5-5-5.~~

~~Lot 1 & Utility Lot A of the SESW Section 5-5-5.~~

~~Lot 1 lying south of 14A, SESW Section 5-5-5.~~

~~Lots MK-1, MK-2, MK-3, MK-4 & B-1 in Section 5-5-5.~~

GENERAL INDUSTRIAL (GI)

~~Lot BI-B NESW Section 5-5-5.~~

~~Lots E-1, E-2, E-3, Tract C, Lots B-1, B-2, B-3, B-4 & B-5, NWSW Section 5-5-5.~~

~~Lots D1, D2, D3, D4, D5 & D6, NESE Section 6-5-5.~~

~~Lots 1-3 & Well Lot in Interstate Industrial Park Subdivision in SWNE Section 6-5-5.~~

~~Lots F-1 & 4 SENE Section 6-5-5.~~

~~Lot NW-1, SWSW Section 5-5-5.~~

~~Lot A-1 & Tract A, NESE Section 6-5-5.~~

~~Lots SC-1, Both Tracts A, Tracts B-D, Lots 2A, 2B, 2C & 2D, Sturgis Industrial Park.~~

RV, CAMPGROUND AND RECREATIONAL VEHICLE PARK (RV) ~~(This Zoning District established effective August 5, 2006, Ordinance 2006-14)~~

~~Lot 4E, Parks Subdivision City of Sturgis, Meade County, South Dakota, as shown on the plat filed in Plat Book 20 on Page 326.~~

~~Lots 14, 15, 16, Block 2 of Lot F of the South Half of the Southeast Quarter of Section 4, Township 5 North, Range 5 East of the Black Hills Meridian, City of Sturgis, Meade County, South Dakota, as shown by the Plat recorded in Plat Book 3 on Page 36.~~

~~Lot F of the Northwest Addition to the City of Sturgis, in the Southwest Quarter of Section 4, Township 5 North, Range 5 East of~~

OPEN SPACE (OS)

~~All parcels of land not identified in the other zoning districts shall be considered open space zoning.~~

TRANSITIONAL ZONING DISTRICT—(NU)

~~Reserved for newly annexed property~~

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SECTION 2 - ZONING MAP

The location and boundaries of the zoning districts established by this Ordinance are denoted and defined as shown in the map entitled "Zoning Map of the City of Sturgis, Meade County, South Dakota", adopted this the 12th day of February, 2001, and as subsequently amended, and certified by the City Finance Officer . The said map, together with everything shown thereon is hereby incorporated into this Ordinance as if fully set forth and described herein.

The Zoning Map shall be kept and maintained by the ~~Engineering and Inspections~~ Finance Office and shall be available for inspection and examination by members of the public at all reasonable times as any other public record.

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TITLE 18.05.04
R-1 SINGLE FAMILY RESIDENTIAL LOW DENSITY DISTRICT.

(D) AREA REGULATIONS:

1. FRONT YARD: all lots shall have a minimum of not less than 25'-0" from property lines.
2. SIDE YARD: all interior lots shall have a minimum side yard of not less than 8'-0' from property lines. Structures which are two (2) or more stories in height or have an eave height of more than eighteen (18) feet above finished grade shall have 1'-0" of side yard for each two (2) feet in eave height above finish grade.
3. SIDE YARD ON CORNER LOTS: all lots which have side yard abutting a street shall have a minimum yard setback of not less than 18'-0" from the property line.
4. REAR YARD: all lots shall have a minimum rear yard of not less than 25'-0" from property lines.
5. LOT WIDTH: all lots used in this zoning designation shall have a minimum lot width of **not less than 75'.**
6. LOT AREA: shall have a minimum area of not less than **7,000 sq. ft.**
7. MAXIMUM LOT COVERAGE: all lots shall not have more than 35% of its total area covered by permanent structures.

(H) TOWNHOME REGULATIONS

The following regulations shall apply to any lot containing townhomes.

1. AREA REGULATIONS:

FRONT YARD: All lots shall have a minimum of not less than 25'-0" from the front property line to the front of the structure.

SIDE YARDS: All interior lots shall have a minimum of not less the 8'-0" from the side property line to the structure. Structures which are two (2) or more stories in height or have an eave height of more than eighteen (18) feet above finished grade shall have 1'-0" of side yard for each two (2) feet of eave height above finished grade.

SIDE YARDS ON CORNER LOTS: All lots which have a side yard abutting a street shall have a minimum side yard setback of not less than 18'-0" from the property line to the structure.

REAR YARD: All lots shall have a minimum rear yard of not less than 25'-0" from the property line to the primary residential structure.

LOT WIDTH: All lots shall have a minimum lot width of not less than **37'-0".**

LOT AREA: All lots shall have a minimum lot area of not less than 5000 sq. ft.

MAXIMUM LOT COVERAGE: All lots shall not have more than 45% of its total lot area covered by permanent structures.

ARTICLE V

SECTION 5 - MINIMUM OFF-STREET PARKING REQUIREMENTS

A. OFF-STREET PARKING REQUIREMENTS GENERAL:

In all districts, except that portion of the General Commercial District described as follows:

(As illustrated on the zoning map on file at the City of Sturgis Finance Office.)

~~The North one-half of Lots 1—5, and all of lots 13-24, Block 11, Original Town Subdivision.~~

~~All of Block 12, Original Town Subdivision.~~

~~Lots 1, 4-6, 13-24, Block 13 Original Town Subdivision~~

~~Block 14 Original Town Subdivision.~~

~~Lots 1-12 of Blocks 15, 16, 17, 18 Original Town Subdivision.~~

~~Lots 1-12, Block 19 Original Town Subdivision.~~

~~Block 1 Wilcox Addition~~

~~Block 1 Allens Extension~~

~~Lots 1-16 and 19-34, Block 3, Fort Meade Addition~~

~~Lots 14-25, Block 4, Fort Meade Addition~~

~~Lots 1-24 and 32-50, Block 6, Fort Meade Addition~~

ARTICLE V

~~SECTION 8 – SIGNS, BILLBOARDS AND OTHER ADVERTISING STRUCTURES~~

(Transferred to Title 30 of Sturgis City Ordinances.)

~~(Article V, Section 8 Repealed in its entirety effective 8/4/07, ordinance 2007-18)~~

~~These conditions are established as a reasonable and impartial method of regulating advertising structures in order to insure safe construction, light, air and open space, to reduce hazards at intersections, to prevent the accumulation of trash, to preclude the establishment of structures which would afford hiding places for immoral or criminal activities and to protect property values of the entire community.~~

~~The regulations for signs billboards and other advertising structures are indicated below. The interpretation of nomenclature in this Section shall be as defined in Article II, Definitions.~~

~~A. In any zoning district where signs are permitted, the following general regulations shall apply:~~

~~1. No sign shall be erected or maintained at any location where by reason of its position, wording, illumination, size, shape or color, it may obstruct, impair, obscure, interfere with the view of or be confused with any authorized traffic control sign, signal and device.~~

~~2. No sign shall contain or make use of any word, phrase, symbol, shape, form or character in such manner as to interfere with, mislead or confuse traffic.~~

3. ~~— No sign having flashing, intermittent or animated illumination shall be permitted within three hundred (300) feet of property in any Residential District unless such sign is not visible from such property.~~
4. ~~— No illuminated sign shall be permitted within fifty (50) feet of property in any Residential District unless the illumination of such sign is so designed that it does not shine or reflect light onto such property.~~
5. ~~— No ground sign shall be erected to exceed thirty (30) feet above the ground level or fifty (50) feet in length. The bottom coping of every ground sign shall be at least two (2) feet above the ground or street level.~~
6. ~~— All roof signs shall be so constructed as to leave a clear space of not less than three (3) feet between the roof level and the lowest part of the sign. No portion of any roof sign structure shall project beyond an exterior wall. No roof sign shall be at any point over twenty-four (24) feet above the roof level. Roof signs shall not exceed the height limit of the zoning district.~~
7. ~~— No part of any wall or projecting sign that is attached to a building shall be erected to a height greater than such building, unless the building and sign are architecturally integrated and designed as a unit.~~
8. ~~— Outdoor advertising structures shall be erected or placed in conformity with the side and rear yard requirements of the district in which located, and no sign shall be located closer than five (5) feet to any street right-of-way line.~~
9. ~~— No advertising sign shall be located in any area designated by the governing body as one of scenic beauty or historical interest.~~
10. ~~— No building walls shall be used for display of advertising except that pertaining to the use on the premises.~~
11. ~~— A temporary or permanent sign shall not be erected or suspended, across, above or upon public rights-of-way, sidewalks or other public places, except as permitted by the governing body.~~
12. ~~— Signs erected and overhanging any sidewalk on private property must be placed at least nine (9) feet above the sidewalk and may extend over the sidewalk a distance equal to two-thirds (2/3rds) the width of the sidewalk but in no case exceeding ten (10) feet.~~
13. ~~— Pole signs shall not be over forty (40) square feet in area and no portion shall be located closer than five (5) feet to any property line.~~
14. ~~— Professional signs for home occupations, where permitted, shall not exceed six (6) square feet in area provided such sign is either a wall or ground sign located not closer than ten (10) feet to the street right-of-way.~~
15. ~~The area of a sign shall be determined by the smallest circle, triangle or rectangle that can be used to enclose the sign, exclusive of supporting members that bear no message. A sign designated to be viewed from two opposite directions shall be considered as one sign, provided that the two sign faces shall not be more than two (2) feet apart if parallel, nor form an angle of more than ninety (90) degrees if angular. Where more than one (1) sign is permitted on a lot, the net sign area shall be the sum of those signs designed to be viewed from one direction and such signs shall not be less than twenty (20) feet apart.~~
16. ~~Billboards and other advertising structures are prohibited.~~
~~Billboards and other advertising structures are prohibited, except in areas zoned industrial, commercial and highway service.~~
17. ~~In no case shall there be more than one off-site advertisement structure on a single property.~~
~~(July 26, 1991)~~
18. ~~For the purpose of this section any sign which is erected for a period of not more than thirty (30) days shall be considered temporary and shall meet the following requirements:~~

Banners which hang on or across public property are exempt from this section, and shall be approved by City Council before they are erected.

1. Temporary sign(s) shall be attached to a vehicle, structure or poles in such a manner that it will not endanger the life or safety of others.
 - a) Such sign(s) shall not be attached to any public property, including but not limited to the following: power poles, street light poles, traffic signs, fire hydrants or any public buildings.
 2. This sign may not interfere with traffic signs and signals.
 3. This sign may not cause a visibility problem or interfere with traffic.
 4. If a sign is erected which does not meet these requirements it shall be removed upon written notice from the building official or duly appointed law enforcement officer.
- Violation of this ordinance shall constitute a class 2 misdemeanor for each day in violation. (April 15, 1994)

B. In AG-Agriculture and Conservation District, the following regulations shall apply:—

1. For single-family dwellings—Nameplates, not to exceed four (4) square feet in area, shall be permitted.
2. For historical monuments, structures, public parks and/or playgrounds, information signs may be displayed but the total area of each sign shall not exceed nine (9) square feet and signs may have indirect lighting.
3. Flashing or intermittent illumination is prohibited.
4. Billboards and other advertising structures are prohibited.

C. In Residential Districts, the following regulations shall apply:

1. For single-family, two-family and multi-family dwellings Nameplates, not to exceed two (2) square feet in area, shall be permitted for each dwelling unit.
2. For multiple-family and group dwellings—Identification signs not to exceed nine (9) square feet in area, shall be permitted. Such sign shall be attached flush with the principal building and may have indirect illumination.
3. Announcement of church, school or public building—Bulletin boards or identification signs, not to exceed twenty (20) square feet in area, shall be permitted. Such sign shall be located not closer than five (5) feet to any property line.
4. Only one (1) sign per street frontage shall be permitted.
5. Flashing or intermittent illumination is prohibited.
6. Billboards and other advertising structures are prohibited.

D. In any Commercial or Highway Service District, the following regulations shall apply:

1. For public recreation uses, community facilities, hospitals and clinics—Bulletin boards or identification sign shall not exceed twenty (20) square feet in area.
2. For gasoline service stations—Two (2) pole signs not exceeding forty (40) square feet each in surface area. Other business signs, the aggregate area of which does not exceed one (1) square foot per one (1) lineal foot of lot adjoining the public street from which the building is addressed.
3. For other permitted principal uses, business signs shall be permitted as incidental uses, not to exceed the number of signs nor to exceed the net area for all such signs permitted as follows:

GC—General Commercial District:

Business signs not to exceed two (2) square feet of surface for each one (1) lineal foot of lot fronting the public street from which the building is addressed, but in no case shall the surface area be limited to less than fifty (50) square feet. All signs shall be mounted either on buildings or on sign display devices affixed permanently to the ground. All ground signs shall be located not closer than five (5) feet to any property line.

HS—Highway Service District:

~~Two (2) pole signs not to exceed forty (40) square feet each in surface area, plus business signs not to exceed one (1) square foot per five (5) square feet of usable floor area or one (1) square foot per one (1) lineal foot of street frontage from which the building is addressed, whichever is greater. No sign or portion of any sign shall be erected upon or overhang any public property. No ground signs shall be located within five (5) feet of any property line.~~

~~4. Highway Service and Commercial: Billboards may be permitted upon approval of sign, shape, and color of such advertising by the Planning Commission and City Council. In no case shall the advertising structure exceed 72 sq. feet. (July 25, 1991)~~

~~4. HIGHWAY SERVICE: Billboards may be permitted for on and off site advertising upon approval of the size 1 color 1 shape and spacing of such structure by the City Planning Commission and City Council.~~

~~In no case may a billboard be constructed within 300' of another billboard structure. (4/28/95)~~

~~E. In any Industrial District, the following regulations shall apply:~~

~~1. Business signs not exceeding one (1) square foot per one (1) lineal foot of street frontage. Such sign shall be located not closer than one-half (1/2) the required setback to all property lines.~~

~~2. Flashing or intermittent illumination is prohibited.~~

~~3. Billboards and other advertising structures are prohibited.~~

~~Billboards may be permitted upon approval of the size 1 shape, and color of such advertising by the Planning Commission and City Council. (July 26, 1994)~~

~~F. In any district, the following signs shall be permitted:~~

~~1. For each permitted or required parking area that has a capacity of more than four (4) cars, one (1) non-illuminated sign, not more than two (2) square feet in area, designating each entrance to or exit from such parking area; and one (1) non-illuminated sign, not more than nine (9) square feet in area, identifying or designating the conditions of use of such parking area.~~

~~2. One (1) non-illuminated "for sale" or "for rent" sign not exceeding six (6) square feet in area and advertising the sale, rental or lease of the premises on which the sign is located. A larger sign shall be permitted for two (2) or more lots in single ownership for properties in excess of one hundred (100) feet in width, provided that the area of such sign shall be increased on a graded scale of one (1) square foot increase in area for each additional five (5) feet of frontage over one hundred (100) feet, but in no case shall the sign exceed in the aggregate two hundred (200) square feet. Such sign shall be a ground or wall sign and located not closer than five (5) feet from the property line.~~

~~3. For each real estate subdivision that has been approved in accordance with the regulations of the Ordinance, one (1) sign, not over one hundred (100) square feet in area, advertising the sale of property in such subdivision. Such sign shall be permitted only when located on some portion of the subdivision being advertised for sale.~~

~~4. For construction on or development of a lot, each sign or signs not more than one hundred (100) square feet in development is actively underway.~~

~~5. Sign established by, or by order of any governmental agency.~~

~~6. For Special events of public interest, one (1) sign, not over twenty-four (24) square feet in area and located upon the site of the event. Such sign shall not be erected more than thirty (30) days before the event in question and shall be removed immediately after such event. Also, directional signs, not more than three (3) square feet in area, showing only a directional arrow and the name of the event of public interest. Such sign shall not be erected more than ten (10) days before the event in question and shall be removed immediately after such event.~~

~~G. Unsafe and Unlawful Signs:~~

~~The following regulations apply to unsafe and unlawful signs and for the maintenance of signs:~~

Whenever it shall appear to the Building Inspector that any sign has been constructed or erected or is being maintained in violation of the terms of this Article, or is unsafe or insecure, such sign shall either be made to conform with all sign regulations as provided by this Article or shall be removed within ten (10) days after notification thereof. Such sign shall be removed at the expense of the owner or lessee thereof.

H. Fees

VALUE OF SIGN	FEE
\$1.00 TO \$2,000.00	Minimum charge of \$15.00
\$2,000.00 to \$20,000.00	\$15.00 for the first \$2,000.00 plus \$.50 for each additional \$1,000.00 or fraction thereof, up to and including \$20,000.00 in valuation.
\$20,000.00 to \$100,000.00	\$24.00 for the first \$20,000.00 plus \$1.00 for each additional \$1,000.00 or fraction thereof, up to and including \$100,000.00.
\$100,000.00 and up	\$124.00 for the first \$100,000.00 plus \$.75 for each additional \$1,000.00 or fraction thereof. (February 26, 1993)

(Article V, Section 8 Repealed in its entirety effective 8/4/07, ordinance 2007-18)

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SECTION 2 – NOTICE PROCEDURE FOR APPLICATION PROCESS FOR USES ON REVIEW, CONDITIONAL USES AND VARIANCES

Any applicant for a use on review, conditional use or variance shall complete the necessary forms provided by the City Manager or his or her designee. Upon the completion of all required materials, the City shall provide a written notice of the applicant's intentions and an analysis of the impact of the proposal to owners of all parcels located within the **area required to receive notice.** ~~noticing area.~~ The notice shall include the scheduled date when the item shall be discussed at the Planning and Zoning Commission. The notice shall state that any recipient opposed to the proposed application should notify the City of Sturgis, **and that without giving notice as directed to the City of their objection, the property owner will be understood to have no objection to the application.** ~~In the absence of~~

~~notifying the City, the recipient will be counted as providing consent to the proposed application. In addition to the application fee, the applicant shall be responsible at the time of submitting the application for payment of the cost of the certified notice by certified mail to all required parcels as well as an a 10% administrative fee of 10% of the cost of notice by certified mail.~~

SECTION 3 - VARIANCES

B. PUBLIC HEARING:

"Upon receipt of an application and fee, the Board shall give notice of public hearing within thirty five (35) days. Such notice of the time place of such hearing shall be published in the legal newspaper of the City ~~ten (10) fifteen (15) days~~ prior to that public hearing. The Board shall consider and decide all applications for variance within thirty (30) days of such public hearing and in accordance with the standards provided below."

C. STANDARDS FOR VARIANCES:

In granting a variance, the Board shall ascertain that the following criteria are met:

Variances shall be granted only where special circumstances or conditions (such as exceptional narrowness, topography, ~~or when the relaxation of a restriction of the code, granted by the Board of Adjustment shall provide a quantifiable benefit to the City and the surrounding neighborhood of the parcel) are~~ fully described in the finding of the Board, ~~do not apply generally in the district.~~

SECTION 6 - AMENDMENTS UPON APPLICATION BY PROPERTY OWNER

The regulations, restrictions, boundaries and options set forth in this Ordinance may be amended, supplemented, revised or repealed from time to time as conditions warrant, ~~upon application by the property owner~~ and subject to the following conditions:

A. APPLICATIONS:

An application for an amendment shall be filed with the City Office of ~~Planning and Permitting Engineering and Inspections~~. ~~Amendments may be instituted by either the property owner or by the governing body.~~

The above mentioned application shall be obtained ~~from form~~ the office of ~~Planning and Permitting Engineering and Inspection~~ and ~~when completed and submitted shall demonstrate written consent of property owners constituting at least sixty percent (60%) of the total assessed value of all the property located within~~ shall contain the written consent of the owners of 60% of the land area within ~~150 200~~ feet from any part of such proposed ~~amended~~ district. ~~The required notice distance shall not include intervening measured by excluding streets and alleys or other public property. Should the applicant be the municipality, noticing of property owners within 200 150 feet is required though written consent is not required.~~

B. PUBLIC HEARING:

Upon ~~receiving the~~ application, the Planning and Zoning Commission shall file with the governing body, a preliminary report and shall hold hearings, notice of which shall be published ~~in a manner to allow the public hearing to be held~~ shall be published one week prior to the date of making the preliminary report to the governing body. ~~and shall schedule a hearing with the foregoing notice requirement before it files its final report with the governing body.~~

The governing body may adopt any changes in the regulations, restrictions or boundaries after having published notice of hearing at least one week prior to the date of adoption of any

amendments in the ordinance as notice of the time and place where all persons interested shall be given a full, fair and complete hearing. The ordinance, if adopted, shall be adopted as other ordinances with the same publications requirements.

C. TIME LIMIT:

The report of the Planning and Zoning Commission regarding any such proposed amendment upon application ~~All proposed amendments shall be submitted to decided by the governing body~~ within thirty (30) days of the public hearing before the Planning and Zoning Commission.

D. STANDARDS FOR AMENDMENTS UPON APPLICATION:

THE FOLLOWING CONDITIONS SHALL BE MET FOR ALL AMENDMENTS:

A. The proposed amendment shall be necessary because of substantially changed or changing conditions of the area and districts affected.

B. The proposed amendment shall be consistent with the intent and purposes of this ordinance.

C. The proposed amendment shall not adversely affect any other part of the city, nor shall any direct or indirect adverse effects result from such amendment.

D. The proposed amendment shall be consistent with the comprehensive plan as adopted by the City of Sturgis, including, but not limited to, the major road plan, land use plan, community facilities plan and other portions of the comprehensive plan.

Dated this _____ day of November, 2013.

CITY OF STURGIS

Mark Carstensen, Mayor

ATTEST:

Fay Bueno
Finance Officer

First reading:

Second reading:

Adopted:

Published:

Effective: